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# Senator Dianne Feinstein

of California

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## Senator Feinstein Announces Support for Assembly Bill Allowing California to Prosecute Individuals Previously Tried in Other Countries

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**Washington, DC** – Concerned about murderers fleeing to Mexico to face light sentences, U.S. Senator Dianne Feinstein (D-CA) announced support today for legislation that would allow California courts to try offenders for crimes committed in California even after they have been tried for those crimes in other countries.

In a letter to the sponsor of Assembly Bill 1432, Assembly Member Marco Firebaugh (D-Los Angeles), Feinstein wrote, **“Currently under the California Penal Code, if an individual commits a crime that violates California law and is prosecuted outside the United States for that crime, California cannot prosecute him for that crime. This is not fair because people who violate California law should be held accountable in California.”**

The issue of suspected murderers and major felons fleeing to Mexico has been a growing concern to California authorities. At present, there are more than 350 people in Mexico who are suspected of murder and other serious crimes in California, but have not been extradited. In October 2001, the Mexican Supreme Court ruled that imposition of a sentence of life imprisonment is a violation of the Mexican constitution. Because this ruling extends to extradition treaties, it is now virtually impossible to extradite a suspect from Mexico if that suspect will face life in prison.

**“Too many violent offenders are escaping justice by fleeing to other countries where they receive light sentences for very serious crimes,”** said Feinstein. **“This measure will enable California courts to hold these offenders accountable.”**

Assembly Bill 1432 would give California prosecutors an important new tool with which to hold suspects accountable. Prosecutors would be free to seek extradition on these 350 cases without losing their only opportunity to prosecute an individual.

If the Mexican government refuses the extradition request, California prosecutors would be able to try the offenders if they ever returned to California, regardless of the outcome of their cases in Mexico.

One prominent case that could be impacted by the legislation involves the suspected murderer of Los Angeles County Deputy Sheriff David March. Mexico has refused to extradite the suspect in March’s murder, Armando Garcia, because he might face the death penalty.

Another example involves Mario Abendano Chaidez who shot and killed 17-year-old Francisco Barajas Lopez in Los Angeles on November 8, 1989. The murder occurred after Chaidez lured Lopez out of his house to ask him about Lopez' telephone calls to Chaidez's daughter. After a brief conversation, Lopez walked away from Chaidez and was shot in the back of the head.

Chaidez then fled to Mexico where he was acquitted of murder then tried and convicted of manslaughter. Chaidez ultimately served two years in custody before being sentenced to an additional eight years in which he was required to serve time on weekends only. In California, Chaidez would have faced a murder charge and a possible sentence of 35 years to life.

On an unknown date, Chaidez re-entered California before being arrested on a warrant for the 1989 murder in October 2002. Due to current California law, Chaidez's warrant was quashed and his case was dismissed. If Chaidez is arrested again and convicted of a felony, the three-strikes law and the five-year sentence enhancement for a prior serious felony conviction would not apply under the present law.

In addition to supporting the California State Assembly measure, Senator Feinstein has also been urging President Bush to renegotiate the U.S.-Mexican Extradition Treaty to facilitate extradition of suspects who flee to Mexico.

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